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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,224	06/21/2001	Alex C. Wu		5850

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,224

Applicant(s)

WU ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-21 are pending.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/21/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Office. An initialed and dated copy of Applicant's IDS form 1449, is attached to the instant Office action.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See page 20, for example.

3. The disclosure is objected to because of the following informalities:

- a. "Internet browser application..." should read "Internet browser applications..." (pg.3 line 11),
- b. "Some site..." should read "Some sites..." (pg.4 line 11),
- c. "However, In..." should be "However, in..." (pg.5 line 1),
- d. "(an apparatus, or a compute)" should read "(an apparatus, or a computer)" (pg.7 line 1),
- e. "...it also offer..." should read "...it also offers..." (pg.7 line 9),
- f. "...to better manager..." should read "...to better manage" (pg.7 line 19),

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- g. missing punctuation (pg.8 line 2).

Appropriate correction of any and all instances of informalities is required.

Claim Objections

4. Claim 7 is objected to because of the following informalities: missing punctuation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (USPN 6,134,584).

a. Per claim 1, Chang et al teach a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of: providing one or more fields for the entry of a source server, a start time, an end time, and starting the download of the document from said source server at said start time, and stopping the

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download of the document from said source server at said end time (Abstract; user specifies downloading timer on schedules which implies a start and end time for the downloading process).

b. Per claim 2, Chang et al teach the method of claim 1, further including the steps to set a duration as a time period to end said download (Abstract; user inputs downloading time limit).

c. Per claim 3, Chang et al teach the method of claim 1, further including the steps to set a time interval as a time period between one download and the next download of said document (col.3 lines 49-52; user has ability to schedule timing in between subsequent download).

d. Per claim 4, Chang et al teach the method of claim 1, further including the steps to set a number as the total number of download of said document (col.4 line 63-col.5 line 20; user can set the total number of times to retry downloading a document).

e. Per claim 5, Chang et al teach the method of claim 1, further including the steps to set said end time as empty for said download which will continue until it finishes (col.4 lines 24-28; system allows for user to specify the upper limits on the download time, which implies that if set to null or left empty then the download would continue until it finishes).

f. Per claim 10, Chang et al teach the method of claim 1, further including the steps to set a location for storing the downloaded document (col.3 lines 46-48; user can specify where the downloaded data is stored).

g. Per claim 11, Chang et al teach the method of claim 1, further including the steps to set a network location for storing the downloaded document (col.3 lines 46-48; user can

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specify where the downloaded data is stored—including cache directory implies a network location).

h. Per claim **12**, Chang et al teach the method in claim 1, further including the steps for saving the downloaded document to saved location directly, and bypassing the steps prompting users for the response of save location (Abstract and col.6 lines 25-67; system refers to user's saved input preferences when downloading data so even when the user's computer is off, the data can still be downloaded and saved on the computer).

7. Claims **13**, **15** and **17-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson (USPN 6,769,019).

a. Per claim **13**, Ferguson teaches a method for scheduling a playback of a saved document via a browser client on a networked apparatus comprising the steps of: providing one or more fields for the entry of start time, and opening said saved documents at said start time, and rendering the document onto said browser (Abstract and col.2 lines 39-46; system allows for user to select a time for displaying the downloaded data).

b. Per claim **15**, Ferguson teaches the method of claim 13, further including the steps to set a time interval as a time period between opening one saved document and the next saved document (col.2 lines 43-46; advertisements are displayed according to their time slot position for a fixed period of time).

c. Per claim **17**, Ferguson teaches a method for scheduling a download of a document from a source server via a browser client on a networked apparatus comprising the steps of: download said document from said source server, and scheduling said download at a start time according to a time stamp, and starting the download of the document from said source

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server at said start time (col.13 lines 5-55; start time and priority of download and is based upon the date time stamp).

d. Per claim 18, Ferguson teaches the method of claim 17 wherein said time stamp is embedded in the downloaded document from said source server (col.13 lines 56-67; system can receive time stamp information for web server's/web page's "modified since" field).

e. Per claim 19, Ferguson teaches the method of claim 17, further including the steps to set said start time (col.13 line 5-col.14 line 14; the time stamp of the last update and last download is used to determine the start time for other downloading).

f. Per claim 20, Ferguson teaches the method of claim 17, further including enabling of the setup of said download scheduling based on the presence of said time stamp (col.13 line 5-col.14 line 14; for determining the priority of download requests, time stamps are used for scheduling and organizing downloads).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C 103 (a) as being unpatentable over Chang et al in view of Williams (USPN 5,761,525).

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Per claim 6, Chang et al teach the method of claim 1 as applied above, yet fail to teach the method of claim 1, further including the steps to alert users for any overlapping of time period among scheduled downloads. However, Williams teaches the method of notifying users upon determination of an overlapping of events (col.4 lines 22-36).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement a notification or alert mechanism for informing users of overlapping downloading events for the purpose of allowing users to decide or confirm which event will take precedence over the other or if possible for both downloading events to occur simultaneously. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

10. Claims 8 and 9 are rejected under 35 U.S.C 103 (a) as being unpatentable over Chang et al in view of Ferguson (USPN 6,769,019).

a. Per claim 8, Chang et al teach the method of claim 1 as applied above, yet fail to teach the method of claim 1, further including the steps to set a new window flag for determining if said download will be performed by a new browser window of said browser. However, Ferguson teaches use of flag configuration information in the interface file used for determining a browser window and for a drag-and-drop window (col.5 lines 33-53, col.9 lines 50-58 and col.24 line 60-col.26 line 65).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement flags or determination fields for displaying the data in a browser or a new browser window for the purpose of allowing the user to dedicate particular

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information to a particular browser window. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

b. Claim 9 contains limitations substantially similar to claim 8, and is therefore rejected under the same basis.

11. Claims 7, 14, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al and Ferguson in view of Logan et al (USPN 5,721,827).

a. Per claim 7, Chang et al teach the method of claim 1 as applied above, yet fail to distinctly teach the method of claim 1, further including the steps to set the reminder for posting reminder to users. However, Logan et al teach the implementation of reminder messages to notify users of scheduled events (col.37 lines 14-26).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to implement reminder messages within the scheduling system for the purpose of notifying users in advance of scheduled events to take place. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

b. Claims 14 and 21 contain limitations substantially equivalent to claim 7, and are therefore rejected under the same basis.

c. Per claim 16, Ferguson teaches the method of claim 13 as applied above, yet fails to teach the method of claim 13, further including the steps to set a number as the number of times to open and render the saved document. However, Logan et al teach setting a number of

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times to play a downloaded program (col.7 lines 13- 21, col.15 line 42-col.16 line 20 and col.20 line 32-63).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to set a number as the number of times to open a downloaded document for the purpose allowing the document a number of times to be displayed to the user which can be for advertising or commercial purposes also. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Peterson et al (USPN 6,594,682) disclose a client-side system for scheduling delivery of web content and locally managing the web content.
- b. Miller et al (USPN 5,878,228) disclose data transfer server with time slots scheduling based on transfer rate and predetermined data.
- c. Kaye et al (USPN 5,727,164) disclose apparatus for and method of managing the availability of items.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 703-605-4244. The examiner can normally be reached on Monday-Friday 8:30-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
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